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10/574,426

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Judith Preuschen

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EXAMINER

DOUYON, LORNA M

ART UNIT

PAPER NUMBER

1796

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,426	<b>Applicant(s)</b> PREUSCHEN ET AL.	
	<b>Examiner</b> Lorna M. Douyon	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/4/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Objections***

1. Claims 4 and 25 are objected to because of the following informalities:  
  
in claim 4, line 1, the comma after “4” should be deleted;  
  
in claim 25, line 1, the period should be deleted.  
  
Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. Claims 6, 11, 16-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, line 1, “PEG” is an acronym and should be spelled out.

In claim 11, line 1, the limitation “the detergent body formulation” lacks support with respect to claim 1 to which this claim is dependent upon.

In claim 16, the limitations “the constituent materials” (line 2), “the barrel” (line 2), “the materials” (line 4), “the binder” (line 7), “the composition” (line 8) and “the shaped body” (line 9) lack antecedent basis in the claim, or with respect to claim 15.

In claim 19, line 1, the limitation “the component materials” lacks support with respect to claim 16.

In claim 20, line 1, the limitation “the...lubricant component(s)” lacks support with respect to claim 16.

In each of claims 21 and 22, line 1, the limitations “the component materials” and “the binder system” lack support with respect to claim 16.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8, 12, 15-16, 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Lundberg et al. (U.S. Patent No. 2,987,484), hereinafter "Lundberg".

Lundberg teaches closed die molding process which involves the rapid injection through a comparatively small orifice, of a basically non-soap fluid mixture of synthetic detergent and a binder-vehicle, capable of rapid solidification to a shape sustaining - form, into a substantially closed precooled mold, and after solidification to at least a shape-sustaining form, the bar is ejected from the mold for further cooling as necessary (see col. 3, lines 33-40). The synthetic detergent is present in the fluid mixture in the range from about 35% to about 70% (see claim 1). In Example 1, Lundberg teaches the preparation of a detergent bar wherein 55 parts sodium alkyl glyceryl ether sulfonate (which is considered to be of a high proportion, and is normally solid, see col. 4, line 49), 37 parts stearyl alcohol (binder vehicle), 2 parts propylene glycol (which reads on lubricant) were added to a crutcher, heated, and the melt was run into the injection system and circulated by pump and a portion of the melt was rapidly injected into the mold which was cooled with refrigerated brine, cooled further, and ejected from the mold (see col. 14, lines 20-64). In Examples 20 and 21, the bar composition comprises,

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in addition, 9.3 wt% polyethylene glycol (mol. wt. 4,000) and polyethylene glycol (mol. wt% 20,000), respectively, which also reads on the binder (see Table under cols. 17-18) and whose melting point should inherently be within those recited. Lundberg teaches the limitations of the instant claims. Hence, Lundberg anticipates the claims.

5. Claims 1-8, 11-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Allan et al. (US Patent No. 6,224,812), hereinafter "Allan".

Allan teaches a process for forming detergent bars by injection moulding in which a pressure is applied to a partially structured detergent composition to deliver it to a mould (see abstract), where the detergent bars can be of the personal or fabric wash type (see col. 1, lines 5-8). Suitable detergent compositions for injection moulding include the following ingredients: (A) 10-60% by weight of a synthetic, non-soap detergent (B) 0-60% by weight of a water soluble structurant which has a melting point in the range 40-100°C, (C) 5-60% by weight of a water insoluble structurant which has a melting point in the range 40-100°C, (D) 1-25% by weight water, (E) 1-20% by weight total composition one or more amphoteric and/or zwitterionic surfactants, (F) 0-20% by weight total composition one or more nonionic surfactants, (G) 0-60% by weight soap, (H) other optional ingredients and (I) 0-10% by weight total electrolyte (see col. 16, lines 1-15). The process for forming the detergent bar comprises: (a) a first step of applying pressure to a detergent composition to deliver the detergent composition to a substantially closed mould; (b) causing the detergent composition to enter the mould at an entry point, the pressure of the detergent composition at the entry point being greater

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than 29.4 psi, and more preferably greater than 50 psi (see col. 7, lines 18-20) under the action of an injector head for at least part of the time over which the detergent composition is entering the mould; (c) cooling the detergent composition in the mould to form the said bar; (d) removing the bar from the mould (see claim 1). It may be acceptable to have the detergent composition at a temperature of 100°C or more when it enters the mould, however, a detergent composition can be delivered to a mould under pressure at a temperature of less than 70°C when entering the mould (see col. 8, lines 1-15). The injection head (**18**) comprises two injection chambers (**19**), see col. 22, lines 37-39. The detergent composition is supplied to the feeding means in a substantially solid (e.g. particulate) or semi-solid form (see col. 10, lines 38-42). The mould may form part or the whole of the packaging of the detergent bar product, and the packaging may be of a rigid nature or it may be non-rigid, e.g. a wrapper, for example, the inner lining of a rigid mould may comprise a “wrapper” for the detergent bar product so that a wrapped bar is released from the mould (see col. 13, lines 9-16). The wrapper reads also on coating. The bars produced containing substances, such as for example benefit agents, which are substantially immiscible with the detergent composition will essentially be two-phase systems, one phase may simply comprise the benefit agent, whilst the other phase comprises the detergent composition (which reads on multi-phase detergent bodies), see col. 19, lines 38-45. In Figure 3, particulate material is fed via a solid feeder (**29**), and fluids are fed via liquid feeding means (**30**). In Example 1, Allan teaches detergent formulation A which comprises 21.62 wt% PEG 8000 (which reads on binder), 4.95 wt% PEG 1450 (which reads on lubricant), and at

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least a total of 65 wt% solid components like fatty isethionate, palmitic/stearic acid blend, coco amid propyl betaine, maltodextrin, sodium stearate, and sodium isethionate (see col. 25, lines 48-64). In Example 5, the bar comprises 4.75 wt% sunflower oil (see col. 30, lines 48-65), which also reads on lubricant. Allan teaches the limitations of the instant claims. Hence, Allan anticipates the claims.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allan as applied to the above claims, and further in view of Raehse et al. (WO 01/88079) hereinafter "Raehse" (using US Patent No. 7,256,168 as the English translation).

Allan teaches the features as described above. Allan, however, fails to specifically disclose at least 50 wt% builders like alkali metal citrate salt.

Raehse, an analogous art, teaches a detergent tablet for laundry, prepared by injection molding (see col. 15, lines 38-39; col. 56, line 2), which comprises from 10 to 60 wt% builders (see col. 4, lines 59-61; col. 15, lines 27-29), for example, trisodium citrate (see col. 18, lines 15-20).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate builders like trisodium citrate in its optimum proportion into the detergent bar of Allan for fabric wash use because it is known from Raehse that a similar product for fabric wash use comprises such builders like trisodium citrate.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered cumulative to or less material than those discussed above.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is 571-272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lorna M Douyon/  
Primary Examiner, Art Unit 1796

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